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8

9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

Case No.: 2:20-CR-00216-TLN

13 Plaintiff,
14 v.

**STIPULATION FOR THE PREJUDGMENT
DEPOSIT OF FUNDS INTO THE COURT'S
DEPOSIT FUND; AND ORDER THEREON**

15 KENNETH WINTON,

16 Defendant.

17

18 Plaintiff United States of America and defendant Kenneth Winton (Winton), through their
19 authorized representatives (the Parties), hereby seek an order authorizing Winton to deposit \$50,100 into
20 the Court's Deposit Fund pending the outcome of this criminal prosecution.

21 The Parties stipulate as follows:

22 1. The Information in this case charges Winton with one count of conspiracy to commit
23 wire fraud, in violation of 18 U.S.C. § 1349 (Count One) and seeks the forfeiture of property
24 constituting or derived from the proceeds traceable to the conspiracy. ECF No. 1.

25 2. The Parties signed a plea agreement in which Winton agreed to waive indictment and
26 plead guilty to Count One of the Information. ECF No. 17, at 2 - 3. He also agreed to pay a \$100
27 special assessment and restitution in the range of \$10.7M to \$15M. *Id.* at 3.

28 STIPULATION FOR THE
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1 3. Winton's change of plea hearing was held on December 3, 2020. ECF No. 18. The
2 Court accepted Winton's guilty plea to Count One of the Information, adjudged him guilty, and set a
3 February 18, 2021 sentencing date. *Id.* The Court subsequently continued sentencing to May 20, 2021.
4 ECF No. 22.

5 4. Winton is prepared to pay the \$100 special assessment and \$50,000 towards the criminal
6 monetary penalties to be ordered in the judgment within seven (7) days of the Court's order approving
7 this stipulation.

8 5. Based on the foregoing, the Parties agree the Court should enter an order directing:

9 A. Winton to pay \$50,100 to the Clerk of Court within seven days following the
10 filing of the order approving this stipulation according to the payment instructions stated in the
11 accompanying order; and

12 B. The Clerk of Court to deposit Winton's payment into the Court's Deposit Fund
13 and apply those funds to all criminal monetary penalties the Court orders at sentencing.

Respectfully submitted,

15 | FOR THE UNITED STATES:

PHILLIP A. TALBERT
Acting United States Attorney

17 | Dated: March 11, 2021

By: /s/ Kurt A. Didier
CHRISTOPHER S. HALES
MIRIAM R. HINMAN
KURT A. DIDIER
Assistant United States Attorneys

FOR DEFENDANT KENNETH WINTON:

22 | Dated: March 11, 2021

By: */s/ Kenneth Winton (by permission)*
KENNETH WINTON, an individual

25 | APPROVED AS TO FORM AND CONTENT:

27 | Dated: March 11, 2021

By: /s/ Adam G. Gasner (by permission)
ADAM G. GASNER
Attorney for Defendant

ORDER

2 The Court, having reviewed the court files and the Parties' Stipulation for the Prejudgment
3 Deposit of Funds into the Court's Deposit Fund (the Stipulation), and good cause appearing therefrom,
4 hereby APPROVES the Stipulation. Accordingly, IT IS ORDERED that:

5 1. Defendant Kenneth Winton (Winton) shall pay \$50,100.00 to the Clerk of Court within
6 seven (7) days following the filing of this order.

7 2. Winton shall make his payment payable to the “Clerk of the Court” at the Office of the
8 Clerk, United States District Court, Eastern District of California, 501 I Street, Suite 4-200, Sacramento,
9 California 95814. He shall also state the docket number (Case No.: 2:20-cr-00216-TLN) on the
10 payment instrument and, if he desires a payment receipt, shall include a self-addressed, stamped
11 envelope with the payment.

12 3. The Clerk of Court shall deposit Winton's prejudgment payment into the Court's Deposit
13 Fund (the Fund).

14 4. Winton's prejudgment payment shall remain in the Fund pending adjudication of this
15 case. Upon sentencing, the Clerk of Court shall apply the payment towards the criminal monetary
16 penalties ordered in the judgment.

IT IS SO ORDERED.

Dated: March 11, 2021


Troy L. Nunley
United States District Judge